

1 BILL NO. G-84-04-09

2 GENERAL ORDINANCE NO. G-

09-84

3 AN ORDINANCE amending Chapter 33 of the  
4 Municipal Code of the City of Fort Wayne,  
5 Indiana.

6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,  
7 INDIANA:

8 SECTION 1. That present Section 33-27 is deleted and the  
9 following substituted: Section 33-27. Procedure.

10 The procedure of the Board shall be governed by the provisions  
11 of I.C. 36-7-4-900-etseq. The Board shall adopt rules and regulations  
12 concerning the filing of appeals, the giving of notices, the conduct of  
13 its hearings and for all other of its operations and procedures as shall be  
14 necessary to carry out its duties. It shall keep minutes of its operations  
15 and procedures as shall be necessary to carry out its duties. It shall  
16 keep minutes of its proceedings, records of its examinations and other  
17 official actions, prepare written findings and record the vote on all  
18 action taken. All minutes and records of the Board shall be public.

19 SECTION 2. That Section 33-28 is deleted and the following  
20 substituted:

21 Powers of the Board of Zoning Appeals.

22 A. The Board of Zoning Appeals shall hear and  
23 determine appeals from and review:

24 (1) any order, requirement, decision, or determination  
25 made by an administrative official, hearing officer or staff member under  
26 the zoning ordinance;

27 (2) any order, requirement, decision or determination  
28 made by an administrative board or other body except a plan commission in  
29 relation to the enforcement of the zoning ordinance; or

30 (3) any order, requirement, decision or determination  
31 made by an administrative board or other body except a plan commission in  
32 relation to the enforcement of an ordinance adopted under this chapter



3 requiring the procurement of an improvement location or occupancy permit.

4 (4) upon appeal, the Board may reverse of affirm, or  
5 may modify the order, requirement, decision or determination appealed from.  
6 For this purpose the Board has all powers of the official, officer, board  
7 of body from which the appeal is taken.  
8

9 B. The Board of Zoning Appeals shall approve or deny all:

10 (1) special uses; (Sec. 33-13)

11 (2) contingent uses; (Sec. 33-12)

12 (3) variance of use; (I.C. 36-7-4-918.4)

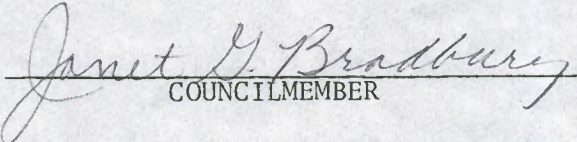
13 (4) variances from the development standards of the  
14 zoning ordinance, (I.C. 36-7-4-918.5). In all such cases, the board may  
15 impose reasonable conditions as part of its approval.

16 SECTION 3. Present Section 33-29 is deleted and the following  
17 substituted:

18 Section 33-29. Zoning Hearing Officer and Alternate Procedure.

19 A. The Plan Commission may authorize the creation of  
20 a hearing officer for the types of cases and in  
21 in accordance with the procedures outlined in  
22 I.C. 36-7-4-923 and I.C. 36-7-4-924.

23 SECTION 4. That this Ordinance shall be in full force and  
24 effect from and after its passage, approval by the Mayor and due legal  
25 publication thereof.

26   
27 COUNCILMEMBER

28  
29 APPROVED AS TO FORM AND LEGALITY:

30   
31 BRUCE O. BOXBERGER, CITY ATTORNEY  
32



Read the first time in full and on motion by Bradbury,  
seconded by Stier, and duly adopted, read the second time  
by title and referred to the Committee Regulations (and the City  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.

DATE: 4-10-84

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury,  
seconded by Stier, and duly adopted, placed on its  
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 5-15-84

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort  
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. G-09-84  
on the 15th day of May, 1984,

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Ray A. E. E. E.  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,  
on the 16th day of May, 1984,  
at the hour of 11:30 o'clock A M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 21st day of May,  
1984, at the hour of 10 o'clock A M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana on April 10, 1984 referred a proposed zoning ordinance amendment to the City Plan Commission which proposed ordinance was designated as Bill No. G-84-04-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

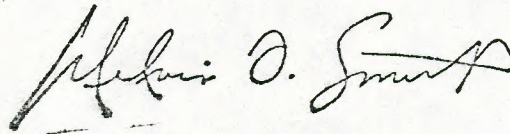
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 16, 1984;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS, the amendment will be in the best interest of and benefit to the area involved and of and to the the City, and the amendment will not be detrimental to and does not conflict with the overall City Plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 23, 1984.

Certified and signed this  
24th day of April 1984.

A handwritten signature in dark ink, appearing to read "Melvin O. Smith", with a stylized flourish at the end.

Melvin O. Smith  
Secretary



*Justification  
Fason*

*\$500 house  
by 150  
\$1,125,000  
in 15 yrs.*

*Compliance with  
state law.*

BILL NO. G-84-04-09

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN  
ORDINANCE amending Chapter 33 of the Municipal Code of the City of  
Fort Wayne, Indiana

\_\_\_\_\_  
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HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JANET G. BRADBURY, CHAIRWOMAN

SAMUEL J. TALARICO, VICE CHAIRMAN

CHARLES B. REDD

MARK E. GIAQUINTA

JAMES S. STIER

*Janet G. Bradbury*

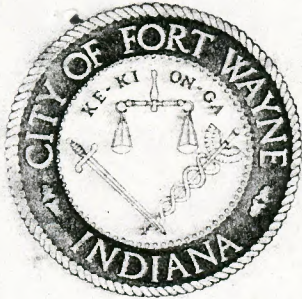
*Samuel J. Talarico*

*Charles B. Redd*

*Mark E. GiaQuinta*

*James S. Stier*





# The City of Fort Wayne

DIVISION OF LAND USE MANAGEMENT  
Department of Community Development & Planning

24 April 1984

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a resolution pertaining to an ordinance amendment acted upon by the City Plan Commission at their meeting held April 23, 1984. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance:

1. Bill No. G-84-04-09
2. Intended Use: This amendment will bring the City Zoning Ordinance into conformance with recent changes in the state law governing Board of Zoning Appeals procedures. The only substantive change involves the provision of a Hearing Officer for the BZA.
3. Plan Commission Recommendation: DO PASS

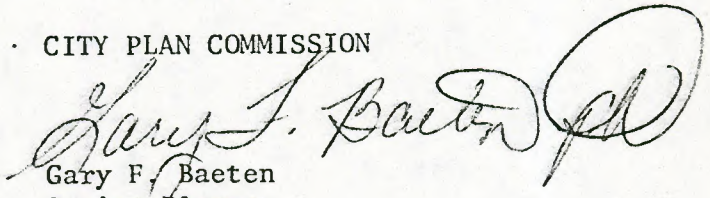
This ordinance received a DO PASS recommendation for the following reason:

REASON: This ordinance amendment will bring our zoning ordinance in line with recent changes in the Indiana planning laws.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

CITY PLAN COMMISSION

  
Gary F. Baeten  
Senior Planner

GFB:pb

Attachments



**ORIGINAL**

Admn. Appr. \_\_\_\_\_

DIGEST SHEET

**ORIGINAL**

G-84-04-09

TITLE OF ORDINANCE Board of Zoning Appeals Statutory Changes

DEPARTMENT REQUESTING ORDINANCE Land Use Management - Community Development & Planning

SYNOPSIS OF ORDINANCE This amendment will bring the City Zoning Ordinance into  
conformance with recent changes in the state law governing Board of Zoning Appeals  
procedures. The only substantive change involves the provision for a Hearing Officer.

The objective of having a Hearing Officer is to remove the insignificant cases from the  
Board's Agenda and allow them more time to concentrate on the more important matters.

EFFECT OF PASSAGE Our Zoning Ordinance will reflect recent changes in state law.

EFFECT OF NON-PASSAGE None - The state law requires the changes we outlined in  
the ordinance to be made - non-passage will create confusion between the ordinance and  
state law.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) None

(ASSIGN TO COMMITTEE (J.N.)) \_\_\_\_\_